

Remarks/Arguments:

Reconsideration of the application is requested. Claims 1-8 remain in the application.

Applicant submitted an executed *Declaration under 37 C.F.R. 1.131* in order to overcome the anticipation rejection of claims 1-8 under 35 U.S.C. 102(e) in view of U.S. Patent No. 6,659,355 B1 to Fischer, et al., on May 20, 2005. The Declaration was received in the patent Office on May 23, 2005 as evidenced by the received stamp on the return receipt postcard a copy of which is enclosed. As stated in the declaration and evidenced by the *Invention Disclosure* submitted together with the after final response and the RCE on April 25, 2005, the above-identified invention was reduced to practice at least as early as February 28, 2001, and thus predates the effective filing date of U.S. Patent No. 6,659,355 B1.

Applicant respectfully requests that the *Declaration under 37 C.F.R. 1.131* duly executed by the inventor be entered of record in this application. The anticipation rejection under 35 U.S.C. 102(e) is thus moot.

Please charge any fees which might be due with respect to

Application No. 10/694,601
Suppl. Response dated 6/15/05
Reply to Office action dated 5/19/2005

Sections 1.16 and 1.17 to the Deposit Account of Lerner and
Greenberg, P.A., No. 12-1099.

Respectfully submitted,



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/bmb

June 15, 2005

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DOCKET NO. 2001, 0292 Mailed May 20, 2005
APPLIC. NO. 10/694, 601 Express Mail

The stamp of the Patent Office hereon may be considered the date on which papers indicated below were received.

Applic pgs. . . . Rule 53b New ☐ Contin ☐ Div ☐ PGP ☐ / Rule 53s Prop. ☐ / Rule 53d CPA . . . RCE ☐
☐ CIP . . . pgs ☐ Design ☐ ☒ Dwgs ☒ Declaration ☒ Mailing Certif.
☐ Priority Claim ☐ Cert. Prior. Doc(s) ☐ PCT Cover Sheet WO
☐ Amend pgs. . . . ☐ Prel. Amend pgs. . . . ☐ Letter
☒ Response pgs. 3 . . . ☐ 37CFR1.116 ☐ Not. of Appeal
☐ Brief pgs. . . . ☐ Appndx pgs. . . . ☐ I.D.S. + . . . Refs.
☐ Assoc Pwr of Atty ☐ Credit Card \$
☐ Pet. for Ext. . . . Mo. ☐ Pet. . . . ☐ Check \$
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(Patent Office. Please stamp and return to addressee on reverse side.)

